

**IDAHO BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY
ADMINISTRATORS**

Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/19/2017

BOARD MEMBERS PRESENT: Heidi Brough Nye - Chair
Kristen E Hyde
Natalie M Nathan
Linda L Simon

BOARD MEMBERS ABSENT: Benjamin E Doty

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Marcie Rightnowar, Hearings/Appeals Coordinator
Maurie Ellsworth, General Counsel
Kellie LaBonte, Technical Records Specialist II

OTHERS PRESENT: Jamie Simpson, H&W Licensing and Certification
Robert Vande Merwe, Idaho Health Care Association
Marina Garza
Melissa Truesdell
Kris Ellis, Idaho Health Care Association

The meeting was called to order at 10:01 AM MDT by Heidi Brough Nye.

APPROVAL OF MINUTES

Ms. Simon made a motion to approve the minutes of 7/13/2017 and 10/3/2017. It was seconded by Ms. Hyde. Motion carried.

EXECUTIVE ORDER

Ms. Cory asked Ms. Simon to update the Board regarding the Executive Order meeting that she attended on October 12, 2017. Ms. Simon stated that she found it beneficial to review the Board's processes. Ms. Cory stated that the intent of the Executive Order is to modernize, update and possibly eliminate processes. Ms. Cory stated that Boards have until July 1, 2018 to submit a response.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She stated that there are no proposals for the 2018 Legislative Session, but noted that there are numerous discussions regarding proposed law and proposed rule changes for the 2019 Legislative Session. The deadline for proposed laws will be Mid-July; and the deadline for proposed rules will be the Mid-August.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$99,762) as of 9/30/2017.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number RCA-2017-9. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a memorandum regarding case number RCA-2018-1. After discussion, Ms. Simon made a motion to close RCA-2018-1. It was seconded by Ms. Nathan. Motion carried.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Nathan made a motion to approve the Bureau's recommendation and authorize closure in case RCA-2018-3. It was seconded by Ms. Hyde. Motion carried.

Ms. Hyde made a motion to approve the Bureau's recommendation and authorize closure in case RCA-2018-2. It was seconded by Ms. Nathan. Motion carried.

TO-DO LIST

The Board reviewed the to-do list. Ms. Simpson informed the Board that she made changes to the open book examination, which was reviewed and revised by Ms. Brough-Nye. Ms. Simon made a motion for the Board Chair, Ms. Simpson and Ms. LaBonte to work on drafting the open book examination including the revisions to be implemented upon completion. It was seconded by Ms. Nathan. Motion carried.

CORRESPONDENCE FROM IDAHO HEALTH CARE ASSOCIATION

Mr. Vande Merwe discussed with the Board items outlined in his letter to the Board dated 8/30/2017.

Mr. Vande Merwe stated that after seeing the investigative report presented during the meeting, that complaints are no longer a concern for him.

Mr. Vande Merwe stated that he would like to see the consolidation of the Nursing Home Administrators (NHA) Board and the Residential Care Facility Administrators (RCA) Board as this is the trend nationally. A subcommittee comprised of the Board Chairs, two NHA licensees, two RCA licensees, and Mr. Vande Merwe was formed to discuss this issue. The RCA Board supports looking into the combining of the two boards and has discussed this at previous meetings.

Mr. Vande Merwe said that he would like to see Idaho move forward with the Health Services Executive (HSE) certification offered through the National Association of Boards of Examiners of Long Term Care Boards (NAB), which has been a topic of discussion during previous meetings for the RCA Board.

Mr. Vande Merwe said that he would like to see the possibility of the examination, specialized course and experience requirements be waived for applicants who also hold a Nursing Home Administrator license in another state as deemed appropriate by the Board. Ms. Brough Nye stated that in certain cases, some requirements have been waived. She noted that experience in an Idaho Residential Care Facility has been required, but the hours have been reduced. She said that there are a variety of factors that are considered when making a determination including: requirements from the state the individual is/was licensed in; level/type of education; and the length and type of experience an individual has. Ms. Cory mentioned that the Board holds face to face meetings quarterly and holds conference calls as needed. She mentioned that the Board has a designated Board member to review applications between meetings and calls.

Mr. Vande Merwe said that in statute individuals are able to apply by way of endorsement; however, there are not rules supporting the statute. He would like to see clearer rules outlining the education and experience requirements for endorsement. He said that most states offer reciprocity. Ms. Brough Nye said that most states do not have reciprocity for RCA licensure as the requirements drastically differ from state to state; and many states do not regulate Residential Care Administrators. Ms. Cory stated that Idaho has the application method of endorsement which means that the requirements in the state an individual is licensed in must have substantially equivalent requirements to Idaho's requirements; versus automatic reciprocity. Ms. Cory said that as part of the Executive Order portability is an important topic but becomes difficult when the requirements drastically differ from state to state. Ms. Brough Nye mentioned that the HSE certification is intended to help with portability.

Mr. Vande Merwe discussed internship hours with the Board. He said that there are rules showing the number of hours required, but there are no rules showing the number of hours required in each domain. Ms. Brough Nye mentioned that as part of the application, there is a table that shows the recommended number of hours in the domains. Mr. Vande Merwe asked if the Board would accept a letter from an administrator on letterhead documenting the number of hours that is signed by the

administrator. Ms. Brough Nye said the applicant must have documentation indicating what the experience is, not just stating the applicant has experience. Ms. Simon mentioned that an expanded resume that states the number of hours from start date to end date indicating what experience and individual has is acceptable. Ms. Cory said that the applicant must provide satisfactory evidence of experience to the Board. Mr. Vande Merwe suggested the Board have rules to show hours preparing an individual to be an administrator vs. showing hours in assisted living. Ms. Brough Nye said that this area in the rules should be revised. Ms. Cory mentioned that this is an area that Ms. Simon could review in terms of the Executive Order.

Mr. Vande Merwe said he didn't believe that many of the Board's forms needed to be notarized as these are unnecessary steps that do not add much value in protecting the public as the notarization just means that the individual is who the individual claims to be. Ms. Brough Nye stated that there are only two forms that need to be notarized: the application and the experience addendum. Mr. Ellsworth said that the notary form Mr. Vande Merwe was talking about is the general acknowledgement. Mr. Ellsworth stated that the Bureau uses the jurat form. The jurat has the language "subscribed and sworn" which means the individual is swearing that the information provided is true and correct. Mr. Ellsworth explained that a person can be prosecuted if caught providing incorrect information if a jurat is used. However, under an acknowledgement if incorrect information is provided, the person cannot be prosecuted for perjury.

Mr. Vande Merwe concluded by saying that Idaho Health Care Association would be happy to help carry any legislation. Ms. Cory mentioned that rule changes require the opportunity for public comment from interested parties. She said that the RCA and NHA Boards have been looking at many of issues brought up. The subcommittee will be able to discuss these issues in further detail.

Ms. Simon made a motion for the Board Chair to work with Mr. Vande Merwe and Ms. LaBonte to work on updating certificates and letters to verify the number of hours for a workshop. It was seconded by Ms. Nathan. Motion carried.

EXECUTIVE SESSION

Ms. Hyde made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Nathan. The vote was: Ms. Brough Nye, aye; Ms. Simon, aye; Ms. Nathan, aye; and Ms. Hyde, aye. Motion carried.

Ms. Hyde had to leave the meeting at 2:00 PM.

Ms. Nathan made a motion to come out of executive session. It was seconded by Ms. Simon. The vote was: Ms. Brough Nye, aye; Ms. Simon, aye; and Ms. Nathan, aye. Motion carried.

CORRESPONDENCE

Ms. Nathan made motion for Ms. LaBonte to respond to all correspondence as directed and to have the responses reviewed by the Board Chair. It was seconded by Ms. Simon.

Ms. Nathan made a motion to grant an extension to keep the application file active for examination. It was seconded by Ms. Simon. Motion carried.

Ms. Nathan made a motion to grant a request for a medical hardship waiver for an applicant. It was seconded by Ms. Simon. Motion carried.

APPLICATIONS

Ms. Nathan made a motion to grant the request for reconsideration and tabled application 901153555 pending receipt of additional information. It was seconded by Ms. Simon. Motion carried.

Ms. Nathan made a motion to approve Brandi Ferrier for a provisional permit and to sit for the exam. It was seconded by Ms. Simon. Motion carried.

Ms. Nathan made a motion to approve application 901153950 pending the receipt of additional information to be reviewed by a designated Board member. It was seconded by Ms. Simon. Motion carried.

Ms. Nathan made a motion to approve application 901153975 pending the receipt of additional information to be reviewed by a designated Board member. It was seconded by Ms. Simon. Motion carried.

CONTINUING EDUCATION COURSES

Due to time constraints, the Board held the continuing education course applications for a conference call to be scheduled before the next face to face meeting.

NEXT MEETING was scheduled for Thursday, January 25, 2018 at 10:00 AM.

ADJOURNMENT

Ms. Simon made a motion to adjourn the meeting at 2:51 PM. It was seconded by Ms. Nathan. Motion carried.

Heidi Brough Nye, Chair

Benjamin E Doty

Kristen E Hyde

Natalie M Nathan

Linda L Simon

Tana Cory, Bureau Chief